

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

June 22, 2009

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
U.S.A.

**Re: Our File:** 056836.0040  
**Invention:** CHAIR WITH ONBOARD ELECTRICAL POWER  
SOURCE  
**Application No.:** 10/525,569  
**Filed:** 02/25/2005  
**Inventor:** Terry Cassaday  
**Examiner:** MCPARTLIN, SARAH BURNHAM  
**Art Unit:** 3636  
**Due Date:** September 12, 2009

Dear Madam:

Agent for Applicant acknowledges receipt of Interview Summary dated May 14, 2009 and thanks Examiner for same. Agent for Applicant also acknowledges receipt of Advisory Action dated June 2, 2009 and responds as follows.

**Amendments to the claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 5 of this paper. Remarks/Arguments are provided with respect to Final Action dated March 12, 2009 and to the Advisory Action and Interview Summary.

DO NOT ENTER: /SM/ (07/02/2009)

## AMENDMENTS TO CLAIMS

Agent for Applicant respectfully requests the following amendments to the claims without adding any new subject matter. Additions are shown in underlining, while deletions are shown in strikethrough or double square brackets.

Claims 1-29 (Cancelled).

30. (Currently amended) A member selected from the group of members consisting of a chair member, a bed member and a lounge member, said member having moving parts, a controller for said moving parts including information output circuitry ~~which outputs information from said member concerning directions for the operation of said controller for the moving parts~~ and an energy converter which converts energy to which the member is exposed to electrical energy for powering said information output circuitry, wherein said information output circuitry outputs information to an occupant of the member regarding the ~~directions for the operation~~ function of the controller ~~for the moving parts without producing movement of the parts.~~

31. (Previously presented) A member as claimed in Claim 30 wherein said energy converter comprises a solar panel provided on an exposed surface of said member.

32. (Currently amended) A member as claimed in Claim ~~[[31]]~~ 30 wherein said information output circuitry is further linked to a biorhythm sensor.

33. (Previously presented) A member as claimed in Claim 32 including a digital display also powered by said energy converter and displaying information from said biorhythm sensor.

34. (Previously presented) A member as claimed in Claim 30 wherein said member comprises a chair and said energy converter converts motion of a moveable portion of the chair to electrical energy.

35. (Currently amended) A member selected from the group of members consisting of a chair member, a bed member and a lounge member, said member including an information output device which outputs information from said member, an energy converter which converts energy

to which the member is exposed to electrical energy for powering said information output device, wherein said information output device comprises a control for a moveable part of said [[chair]] member, said control outputting information to an occupant of the member regarding the directions of use function of said control without producing the movements of the [[chair]] member.

36. (Previously presented) A member as claimed in Claim 35 wherein said control provides audio feedback providing the directions for use of said control.

37. (Currently amended) A member as claimed in Claim 36 including a visual display also powered by said energy converter, said visual display visually displaying information to an occupant of the member regarding the function ~~the directions for use of the~~ of said control~~[[s]]~~.

38. (Previously presented) A member as claimed in Claim 30 including an electrical rechargeable power pack which is charged by said energy converter, said power pack storing the electrical energy and dispersing the electrical energy as required.

39. (Previously presented) A member as claimed in Claim 30 wherein said member comprises a chair having rolling casters for generating said electrical energy.

40. (Previously presented) A member as claimed in Claim 30 wherein said member comprises a chair and said chair has a back and seat and a moveable hinge between said back and seat for generating said electrical energy.

41. (Previously presented) A member as claimed in Claim 30 further having electrically operated body repositioning means powered by said energy converter, or rechargeable power pack.

42. (Previously presented) A member as claimed in Claim 41 wherein said member comprises a chair and said body repositioning means comprises a lumbar adjustment member, and said chair further includes an electrically generated timer which provides timed interval repositioning of said lumbar adjustment members.

43. (Cancelled).

44. (Currently amended) A chair as claimed in Claim [[43]] ~~38 further including wherein said electrical rechargeable power pack is~~ a rechargeable battery carried by said [[chair]] member ; wherein ~~and~~ said ~~generator energy converter~~ recharges said ~~rechargeable~~ battery , ~~said battery powering said electrical power requirements of said chair.~~

45. (Currently amended) A chair having electrical power requirements for displaying information ~~to an occupant of the chair for regarding the operation functions of controls to move for moving~~ parts of the chair without producing movement of said parts comprising:

- (a) energy converter means carried by said chair for:
  - (i) providing power to said controls to move the parts of the chair and to display said information to the occupant regarding ~~directions for the operation functions~~ of the controls , without affecting movement of said parts , to inform the occupant to use the controls to move ~~such~~ said parts of the chair; and
  - (ii) providing power to said display for displaying information regarding the ~~directions for operation of functions of~~ said controls without producing movements of said parts.

46. (Cancelled).

47. (Currently amended) A member selected from the group of members consisting of a chair member, a bed member, and a lounge member, said member including an information output device which outputs information from said member, an energy converter which converts energy to which the member is exposed to electrical energy for powering said output device, wherein said information output device comprises a control for a moveable part of said member, said control output device outputting information to an occupant of the member regarding ~~directions of use~~ the function of said control without producing the movement of the moveable part.

## **REMARKS**

Agent for Applicant submits previously presented claims 31-34, 36, 38-42 and 44; currently amended claims 30, 32, 35, 37, 44, 45 and 47; and cancelled claims 1-29, 43 and 46 for consideration by the Examiner. The present application has 16 claims in total.

### **Claim Rejections – 35 U.S.C. § 112**

The Examiner stated in the Final Action that claim 37 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, the Examiner noted that claim 37 refers to “the controls” whereas previous recitations include a singular “control”, and requested appropriate amendment.

Agent for Applicant has amended claim 37 to read “said control”, consistent with previous recitations. Agent for Applicant respectfully submits that the claims are now in compliance with 35 U.S.C. § 112.

### **Claim Rejections – 35 U.S.C. § 102**

In the Final Action, the Examiner rejected claims 30-35, 38-41 and 43-47 under 35 U.S.C. § 102(e) as being anticipated by Gruteser et al. (6,870,477).

More specifically, the Examiner was of the view that (see paragraph 8 of the subject Office Action):

the Gruteser device does provide feedback information, in the form of signals, to a controller (240). The controller (240) issues instructions to effectors (210) to control various aspects of the chair, for instance, “if the information contained in the signal indicates that a person of a particular weight occupies the chair, the effectors in the chair may be signalled by the communications devices to adjust the ergonomic settings of the chair” (column 5, line 67 – column 6, line 4).

The Examiner kindly acknowledged in the Interview Summary that the claimed invention is novel over Gruteser because “the claimed invention sends information to the seat occupant about the function of a certain control without affecting the member itself. Furthermore, the seat

occupant controls the adjustment of the member, not a signal.” Agent for Applicant has added such limitation to independent claims 30, 35, 45 and 47 of the present application.

Furthermore, the Examiner has kindly acknowledged in the Interview Summary that the claimed invention is novel over Gruteser because “the claimed invention sends information to the seat occupant about the function of a certain control without affecting the member itself.” Each of the claims, including claim 30 which has adopted the limitation previously presented in claim 46 (now cancelled), now comprises such a limitation.

Thus Agent for Applicant respectfully submits that claims 30-35, 38-41 and 43-47 are not anticipated by Gruteser.

#### Claim Rejections – 35 U.S.C. § 103

##### *Claims 36-37*

The Examiner rejected claims 36-37 under 35 U.S.C. § 103(a) as being unpatentable over Gruteser in view of Sparks (6,204,767) as Gruteser disclosed all claimed elements except the provision of audio feedback from the control, which is taught by Sparks.

Agent for Applicant respectfully submits that in view of the above mentioned amendment to claim 35, upon which claims 36 and 37 are dependent, the claims as presented are patentable over Gruteser in view of Sparks. Sparks does not teach the control outputting information to an occupant of the member regarding the function of said control without producing the movements of the member.

Therefore, Agent for Applicant respectfully submits that claims 36-37 are patentable over Gruteser in view of Sparks.

##### *Claim 42*

The Examiner also rejected claim 42 under 35 U.S.C. § 103(a) as being unpatentable over Gruteser in view of Burt (US 2002/0056709) as Gruteser disclosed all claimed elements except body-positioning means comprising a lumbar adjustment member controlled by a timer, which is taught by Burt.

Agent for Applicant respectfully submits that in view of the above mentioned amendment to claim 30, upon which claim 42 is dependent, the claims as presented are patentable over Gruteser in view of Burt. Burt does not teach the information output circuitry outputs information to an occupant of the member regarding the function of the controller without producing movement of the parts.

Therefore, Agent for Applicant respectfully submits that claim 42 is patentable over Gruteser in view of Burt.

#### Further amendments to the Claims

Agent for Applicant notes that further amendments have been made to claims 30, 32, 35 and 44.

Claim 30 has been amended to remove redundant limitations.

Claim 32 has been amended such that it is dependent upon claim 30 rather than claim 31, as it is not required that a solar panel be provided for the biorhythm sensor.

Claim 35 has been amended to clarify that the member need not be a chair.

Claim 44 has been amended to be dependent on claim 38 given that claim 43, upon which it was previously dependent, has been cancelled.

Agent for Applicant respectfully submits that the claims as amended are allowable.

**CONCLUSION**

Applicant respectfully encloses herewith payment of \$65.00 for one month's extension on a small entity basis.

Agent for Applicant respectfully states that the application is now in condition for immediate allowance and respectfully solicits same.

Yours faithfully,



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